

FACT SHEET ON COMMITTEE FILING OBLIGATIONS DURING THE CIRCULATION OF BALLOT MEASURE PETITIONS

State and local campaign laws impose filing obligations on committees that support or oppose City ballot measures, including committees that support or oppose efforts to qualify a measure for the ballot. This fact sheet is designed to help committees gain a better understanding of the applicable laws, but should not be considered a substitute for the actual language contained in San Diego Municipal Code section 27.2930.

- ❖ Under state and local law, campaign committees that support or oppose a ballot measure must file campaign reports in accordance with quarterly, semi-annual, and pre-election filing guidelines. Additionally, during the signature-gathering phase of an effort to qualify a measure for the ballot, committees must also file reports disclosing the contributions made and received, and independent expenditures made to support or oppose the qualification of the measure.
- ❖ As discussed more fully below, the nature of the filing obligation depends on the type of committee that is supporting or opposing the qualification effort, and when the contributions or independent expenditures are made.

Committees Primarily Formed to Support or Oppose the Ballot Measure

- ❖ Every committee that is primarily formed to support or oppose a City initiative or referendum must disclose the contributions it receives prior to and during the relevant petition drive. A petition drive begins when the proponent of an initiative or referendum measure begins circulating a petition for signatures.
- ❖ For example, Citizens for Progress is a committee formed to get a zoning ordinance adopted by initiative. It begins collecting signatures in an effort to put the matter to a popular vote. It must disclose the money it raised prior to starting the signature gathering process as well as the money it raises during that process. Neighborhoods for Smart Growth is a committee created to oppose the zoning ordinance initiative. It too must disclose the money it raised before and during the signature gathering process.

A. Disclosing Contributions Received Before the Petition Drive Commences

- ❖ At the start of a petition drive, any committee primarily formed to support or oppose the petition drive must disclose its contributions on a Form 497 filed with the City Clerk.
 - ✓ The report must be filed within 10 calendar days of the start of the petition drive, and must disclose all contributions of \$100 or more received after the closing date of its most recent Form 460.
 - ✓ If the committee has not previously filed a Form 460, it will instead disclose on the Form 497 all contributions of \$100 or more received since January 1.
- ❖ The Form 497 has a closing date of the day immediately preceding the start of the petition drive.
- ❖ The Form 497 is generally filed electronically. Committees not required to file electronically may file the Form 497 using a shipping service with delivery guaranteed no later than 12 calendar days after the petition begins circulating.

B. Disclosing Contributions Received During the Petition Drive

- ❖ All committees that are primarily formed to support or oppose the qualification of the measure must file 24-hour reports during the signature-gathering period. This obligation ends when the petition is submitted to the City Clerk.
- ❖ Within 24 hours of receiving a monetary contribution of \$1,000 or more (or within 48 hours of receiving a non-monetary contribution of \$1,000 or more), these committees must disclose the contribution on a Form 497 filed with the City Clerk.
- ❖ Contributions of less than \$1,000 are not reportable unless and until that contributor reaches the \$1,000 aggregate threshold.
- ❖ The Form 497 is generally filed electronically. Committees not required to file electronically may file the Form 497 using personal delivery, facsimile transmission, or guaranteed overnight delivery. The filing deadline is not extended for weekends or holidays.

Other City of San Diego Committees

- ❖ City committees that are not primarily formed to support or oppose a particular initiative or referendum may still have filing obligations relating to the petition drive. These City committees include:
 - ✓ City general purpose committees;
 - ✓ City independent expenditure committees;
 - ✓ City candidate-controlled committees;
 - ✓ City committees primarily formed to support or oppose one or more candidates; and,
 - ✓ City committees primarily formed to support or oppose ballot measures other than the one for which signatures are being gathered.

A. Disclosing Contributions

- ❖ These City committees must file a Form 497 within 10 business days of making contributions of \$5,000 or more to support or oppose the qualification of a City ballot measure.
- ❖ These reports must be filed within 10 business days of reaching the \$5,000 threshold. Contributions below \$5,000 are not reportable unless and until the committee reaches the \$5,000 aggregate threshold. This filing deadline is extended for weekends or holidays.
- ❖ For example, Citizens for Safer Communities for Smith for Mayor in 2020 is a committee primarily formed to support candidate Smith in an upcoming election. It also wants to support the qualification of a ballot measure that would address homeless issues. It contributes \$7,500 to the ballot measure committee leading the signature drive. Citizens for Safer Communities for Smith for Mayor in 2020 must disclose its \$7,500 contribution on a Form 497.
- ❖ Committees filing the Form 497 must disclose all contributions of \$100 or more received after the closing date of the committee's last campaign statement. Such contributions are not required to be reported on more than one Form 497.
- ❖ Note that this filing obligation is a state law; contact the California Fair Political Practices Commission [FPPC] at (866) 275-3772 for additional assistance.

B. Disclosing Independent Expenditures

- ❖ These City committees must also file a Form 496 within 24 hours of making independent expenditures while the initiative or referendum petition is being circulated to qualify the measure for the ballot. This obligation ends when the petition is submitted to the City Clerk.
- ❖ Within 24 hours of making an independent expenditure of \$1,000 or more to support or oppose the qualification of the initiative or referendum, these committees must disclose the independent expenditure on a Form 496 filed with the City Clerk. Independent expenditures of less than \$1,000 are not reportable unless and until the committee reaches the \$1,000 aggregate threshold.
- ❖ The Form 496 must also include the committee's receipt of any contributions of \$100 or more received after the closing date of the committee's last campaign statement. Such contributions are not required to be reported on more than one Form 496.
- ❖ Form 496 is generally filed electronically. Committees not required to file electronically may file the Form 496 using personal delivery, facsimile transmission, or guaranteed overnight delivery. This filing deadline is not extended for weekends or holidays.

State and County General Purpose Recipient Committees

- ❖ County and State general purpose recipient committees also have disclosure obligations when making contributions or independent expenditures to support or oppose the qualification of a City of San Diego ballot measure.
- ❖ Such committees must file a Form 497 when making contributions of \$5,000 or more to support or oppose the qualification of a City ballot measure.
- ❖ Such committee must file a Form 496 when making independent expenditures of \$5,000 or more to support or oppose the qualification of a City ballot measure.
- ❖ These reports must be filed within 10 business days of reaching the \$5,000 threshold. Contributions and independent expenditures below \$5,000 are not reportable unless and until the committee reaches the \$5,000 aggregate threshold. This filing deadline is extended for weekends or holidays.
- ❖ When filing these reports, committees must disclose all contributions of \$100 or more received after the closing date of the committee's last campaign statement. Such contributions are not required to be reported on more than one Form 496 or Form 497.
- ❖ These committees file in accordance with state law; contact the FPPC at (866) 275-3772 for questions regarding their filing obligations.

Unless otherwise directed above, please contact the Ethics Commission at (619) 533-3476 for additional information.

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